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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 11 September 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I would like to draw your attention to actions undertaken recently by the Republic of Armenia in open defiance of the Charter of the United Nations and fundamental principles of international law.

According to mass media reports, early in September 2009 President Serzh Sargsyan of the Republic of Armenia visited the occupied territories of the Republic of Azerbaijan. The purpose of the visit was to participate in the events organized on the occasion of "independence day" of the subordinate separatist entity illegally established by Armenia in the occupied territories of Azerbaijan. Simultaneously, Minister for Foreign Affairs Edward Nalbandian of the Republic of Armenia and accompanying high-ranking Armenian diplomats visited the occupied territories of Azerbaijan in the framework of the annual meeting of heads of diplomatic missions of Armenia.

In his welcoming address, President Sargsyan claimed that the subordinate separatist entity illegally established by Armenia in the occupied territories of Azerbaijan is no less than "a full-fledged State ... that embodies the ideals of freedom, sovereignty and democracy ...". He assured all Armenians that "the peaceful resolution to the Nagorny Karabakh conflict will be first and foremost based on the consent and free will of the people of Artsakh". Against this background, the President of Armenia further recognized that "the Republic of Armenia and the entire Armenian nation have been and will continue to be Artsakh's sturdy supporters".

My Government considers the aforementioned visits to the occupied territories of Azerbaijan and bellicose rhetoric as an open challenge to the ongoing efforts towards the soonest political settlement of the conflict between Armenia and Azerbaijan.

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In reality, Armenia undertook yet another attempt to justify its annexationist policy and mislead the international community by means of blatant distortion of facts as to the origin and essence of the ethnically constructed subordinate separatist entity which the world refused to recognize.

The ritualistic visit of the high-ranking officials and diplomats of Armenia to the occupied territories of Azerbaijan to commemorate the events, which became a starting point of large-scale war between the two States and caused incalculable human sufferings, testifies that Armenia fails to fulfil its most basic and compelling responsibilities and gives preference to escalation with unpredictable consequences.

It is no exaggeration to say that by taking care of the "free will" of the Nagorny Karabakh Armenians alone, while denying the rights of both the whole people of Azerbaijan and its forcibly displaced component, the Republic of Armenia pursues consistent policy based on disregard of international law and aimed at creating a mono-ethnic culture in the occupied territories of Azerbaijan.

It is essential to recall, in this regard, that the Security Council has consistently reaffirmed both the sovereignty and territorial integrity of Azerbaijan and the inadmissibility of the use of force for the acquisition of territory. It has also recognized that Nagorny Karabakh is part of Azerbaijan and has called on a number of occasions for immediate, full and unconditional withdrawal of the occupying forces from all the occupied territories of Azerbaijan. Further, the General Assembly expressly reaffirmed in resolution 62/243 of 14 March 2008, entitled "The situation in the occupied territories of Azerbaijan", continued respect and support for the sovereignty and territorial integrity of Azerbaijan within its internationally recognized borders as a basis for the settlement of the conflict.

In other words, it has been internationally recognized that Azerbaijani territories are under occupation and that Armenia has been actively involved in the creation and maintenance of that situation. The occupation by force of Nagorny Karabakh and its surrounding areas constitutes a flagrant breach by the Republic of Armenia of the territorial integrity of the Republic of Azerbaijan.

Consequently, the international community declared the "independence" of the ethnically constructed entity in the occupied territories of Azerbaijan invalid. No action taken by Armenia, the occupying power, or by its subordinate separatist regime within the occupied territories can affect the pre-existing legal status of these territories, which thus remain Azerbaijani in international law.

The Republic of Armenia must realize that, for its own good and in the interests of lasting peace, stability and mutually beneficial cooperation in the region, there is no alternative other than solving the conflict based on respect for the territorial integrity and inviolability of the internationally recognized borders of Azerbaijan. The Republic of Azerbaijan will never accept a solution compromising its territorial integrity, ignoring the rights of its people and legalizing the current status quo.

Today, more than ever before, joint and concrete actions are needed to effectively address the major threats and challenges that affect the basic elements of the international legal order, undermine the national unity and stability of States and regenerate disregard and contempt for human rights. We must categorically reject the gains of the use of force and ethnic cleansing, which are incompatible with the principles and ideals of peace, democracy, stability and friendly relations.

In this regard, Azerbaijan expects that Member States would convince Armenia to cease its destructive policies, to respect the generally accepted norms and principles of international law and to negotiate in good faith with a view to finding the soonest solution to the conflict.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 13 and 18, and of the Security Council.

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Ambassador
Permanent Representative